

3-110. NOT CRIMINALLY RESPONSIBLE — PLEA AND VERDICT.

(A) TIME AND MANNER OF PLEADING.

(1) IF A DEFENDANT INTENDS TO RELY ON A PLEA OF NOT CRIMINALLY RESPONSIBLE, THE DEFENDANT OR DEFENSE COUNSEL SHALL FILE A WRITTEN PLEA ALLEGING, IN SUBSTANCE, THAT WHEN THE ALLEGED CRIME WAS COMMITTED, THE DEFENDANT WAS NOT CRIMINALLY RESPONSIBLE BY REASON OF INSANITY UNDER THE TEST FOR CRIMINAL RESPONSIBILITY IN § 3-109 OF THIS TITLE.

(2) A WRITTEN PLEA OF NOT CRIMINALLY RESPONSIBLE BY REASON OF INSANITY SHALL BE FILED AT THE TIME PROVIDED FOR INITIAL PLEADING, UNLESS, FOR GOOD CAUSE SHOWN, THE COURT ALLOWS THE PLEA TO BE FILED LATER.

(B) BURDEN OF PROOF.

THE DEFENDANT HAS THE BURDEN TO ESTABLISH, BY A PREPONDERANCE OF THE EVIDENCE, THE DEFENSE OF NOT CRIMINALLY RESPONSIBLE.

(C) DEGREE OF PROOF.

IF THE TRIER OF FACT FINDS THAT THE STATE HAS PROVED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMMITTED THE CRIMINAL ACT CHARGED, THEN, IF THE DEFENDANT HAS PLEADED NOT CRIMINALLY RESPONSIBLE, THE TRIER OF FACT SEPARATELY SHALL FIND, BY A PREPONDERANCE OF THE EVIDENCE, WHETHER THE DEFENDANT WAS AT THE TIME CRIMINALLY RESPONSIBLE OR NOT CRIMINALLY RESPONSIBLE BY REASON OF INSANITY UNDER THE TEST FOR CRIMINAL RESPONSIBILITY IN § 3-109 OF THIS TITLE.

(D) RESTRICTION ON VERDICT.

A COURT MAY NOT ENTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE UNLESS THE DEFENDANT OR DEFENSE COUNSEL HAS FILED A WRITTEN PLEA UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section formerly was HG § 12-109.

The only changes are in style.

Defined term: "Court" § 3-101

3-111. SAME — EXAMINATION.

(A) IN GENERAL.

IF A DEFENDANT HAS ENTERED A PLEA OF NOT CRIMINALLY RESPONSIBLE, THE COURT MAY ORDER THE HEALTH DEPARTMENT TO EXAMINE THE DEFENDANT TO DETERMINE WHETHER THE DEFENDANT WAS NOT CRIMINALLY RESPONSIBLE UNDER § 3-109 OF THIS TITLE AND WHETHER THE DEFENDANT IS COMPETENT TO STAND TRIAL.

(B) CONFINEMENT.